

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05-CV-244-MU

ROGER WIKER,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
SAM'S CLUB EAST, L.P.,)	
)	
Defendant.)	

THIS MATTER comes before the court on its own motion. Plaintiff has twice failed to respond to Defendant's motions for disposition of this case. First, Plaintiff has never responded to Defendant's Motion to Dismiss of June 23, 2005, despite oral notice to Plaintiff's counsel from the Court that such a response is, in fact, necessary. Then, on September 20, 2005, Defendant filed an additional motion for Judgment on the Pleadings. Again, Plaintiff has failed to respond or to take any other necessary action. Plaintiff has yet to show any interest in proceeding with this case despite multiple opportunities to do so.

IT IS THEREFORE ORDERED that the above captioned case is DISMISSED WITH PREJUDICE for failure to prosecute under Rule 41(b).

Signed: November 7, 2005

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

